

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted February 2, 2026*

Decided February 5, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*

DAVID F. HAMILTON, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 24-3105

LOGAN DYJAK,
Plaintiff-Appellant,

v.

LANA MILLER and KATE
PATAROZZI,
Defendants-Appellees.

Appeal from the United States District
Court for the Central District of Illinois.

No. 21-cv-3206

Sue E. Myerscough,
Judge.

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

ORDER

Logan Dyjak,¹ a civil detainee housed at the McFarland Mental Health Center² in Springfield, Illinois, appeals the summary judgment rejecting their challenges under the First Amendment to the facility's visitation policies. *See* 42 U.S.C. § 1983. The district court concluded that Dyjak's claims were barred by qualified immunity. We affirm.

I.

Dyjak was housed in the minimally secure unit at McFarland in late 2019, when officials implemented a new visitation policy for the facility. The policy required that visits be prescheduled, limited to one hour, and allowed only during designated times. Dyjak objected and submitted a grievance to the Human Rights Authority (a division of the Illinois Guardianship and Advocacy Commission) complaining about the new restrictions. The Human Rights Authority agreed with Dyjak and found that the blanket one-hour limit violated Illinois law guaranteeing detainees "unimpeded, private, and uncensored communication with persons ... by visitation." *See* 405 ILCS 5/2-103. The Authority recommended eliminating the policy, absent evidence that longer visits posed a risk of harm.

For several months during the height of the COVID-19 pandemic (March 2020 through January 2021), McFarland imposed a complete ban on nonessential visitors. In the spring of 2021, as the pandemic came under control, officials gradually expanded visitation to allow more frequent and longer visits. Dyjak, however, continued to complain that the facility still enforced the same narrow visitation hours.

In September 2021, Dyjak brought this § 1983 suit against Lana Miller (McFarland's Hospital Administrator) and Kate Patarozzi (the Treatment Services Administrator) in their individual capacities, alleging that the facility's visitation policies were unconstitutionally restrictive. Dyjak also sued Illinois Governor J.B. Pritzker and Grace Hou, the director of the Illinois Department of Human Services. At screening, *see* 28 U.S.C. § 1915A, the district court dismissed Dyjak's claims against Pritzker and Hou because Dyjak could not plausibly allege that either official was personally responsible for instituting the policies. The court allowed Dyjak to proceed

¹ Dyjak uses they/them/their pronouns in the filings in this case, and we follow suit as we have in Dyjak's previous appeals (*Dyjak v. Wilkerson*, Nos. 21-2012 & 21-2119; *Dyjak v. Harper*, No. 22-1419).

² McFarland has since been renamed the Elizabeth Parsons Ware Packard Mental Health Center. Because the relevant conduct occurred before the Center was renamed, we refer to it as "McFarland."

with a claim against Miller and Patarozzi that the visitation policies violated Dyjak's First Amendment right to freedom of association.

Further proceedings ensued, and the district court ultimately granted the defendants' motion for summary judgment. As to Dyjak's claim asserting a First Amendment right to freedom of association, the court concluded initially that the defendants had not carried their threshold burden under the four-factor, rational-relationship test established by the Supreme Court in *Turner v. Safley*, 482 U.S. 78 (1987). *See also Brown v. Phillips*, 801 F.3d 849, 853–54 (7th Cir. 2015).³ But the court then pivoted and determined that the defendants were entitled to qualified immunity because Dyjak failed to identify a case that held facility officials individually liable for First Amendment violations in connection with visitation policies like those here. The court also rejected Dyjak's attempt at summary judgment to add a First Amendment retaliation claim, noting that its screening order had not authorized such a claim and, regardless, Dyjak had not put forth evidence from which a reasonable jury could find that Dyjak was subjected to more restrictive visitation rights because of protected activities.

Dyjak moved for postjudgment relief under Federal Rule of Civil Procedure 59, arguing that the district court's qualified immunity ruling was at odds with *Taylor v. Riojas*, 592 U.S. 7, 9 (2020), in which the Supreme Court ruled that some violations were so obvious that a prisoner did not need a prior opinion to establish his right to be free from certain offending conditions. The court denied the Rule 59 motion, distinguishing *Taylor* on grounds that the policies Dyjak complained of did not clearly violate Dyjak's First Amendment rights, particularly given the constraints the facility faced in the pandemic's aftermath.

II.

To overcome a qualified immunity defense, a plaintiff must show “(1) that the official violated a statutory or constitutional right, and (2) that the right was ‘clearly established’ at the time of the challenged conduct.” *Sabo v. Erickson*, 128 F.4th 836, 843

³ Dyjak argued that the claim should be evaluated under the standard in *Youngberg v. Romeo*, 457 U.S. 307, 323 (1982), which requires that “professional judgment” be exercised when providing mental-health treatment to someone who is involuntarily committed. The district court rejected that argument, ruling that *Youngberg* does not require that professional judgment dictate every aspect of civil commitment, but only decisions concerning mental health treatment—a category to which visitation policies do not belong.

(7th Cir. 2025) (en banc) (quoting *Ashcroft v. al-Kidd*, 563 U.S. 731, 735 (2011)). Courts may address either prong first. *Id.* (citing *Pearson v. Callahan*, 555 U.S. 223, 236 (2009)).

Dyjak maintains that the district court applied an outdated standard for qualified immunity by disregarding the conclusion in *Taylor* that some circumstances are so obviously unconstitutional such that analogous precedent is not required. But we agree with the district court that the visitation policies in no way resemble the extreme and plainly unconstitutional conditions at issue in *Taylor*, in which the plaintiff alleged that he was confined for six days in prison cells covered in feces and flooding with raw sewage. 592 U.S. at 8–9.

Dyjak next challenges the court’s qualified-immunity analysis on grounds that it overlooked *Easterling v. Thurmer*, 880 F.3d 319 (7th Cir. 2018), a case that, Dyjak believes, clearly establishes that detainees’ rights under the First Amendment could be violated by a facility’s restrictive visitation policies. In *Easterling*, we confirmed that prison officials may violate a prisoner’s constitutional rights by permanently or arbitrarily denying visitation with family members. *Id.* at 323.

The defendants counter persuasively, however, that even if *Easterling* clearly established—for purposes of the second prong of the qualified immunity test—that McFarland’s pandemic-era visitation ban *could* violate Dyjak’s constitutional rights, Dyjak cannot satisfy the first prong. That is, Dyjak did not introduce evidence from which a reasonable jury could infer that Dyjak’s constitutional rights were *in fact* violated by McFarland’s visitation ban at the height of the pandemic—the time between March 2020 and January 2021. The Human Rights Authority’s findings, for instance, addressed only the policy in place in 2019, preceding the time in question. Nor did Dyjak present evidence calling into question whether the pandemic-era ban was rationally related to McFarland’s legitimate interest in preventing the spread of COVID-19. Civil detention facilities may impose reasonable restrictions on First Amendment rights when justified by legitimate institutional interests. *See Brown*, 801 F.3d at 853–54. And McFarland explained that the visitation ban was intended to “keep everyone healthy” and to “minimize the spread” of COVID-19. These are interests that courts have repeatedly recognized as legitimate. *See Lukaszczyk v. Cook County*, 47 F.4th 587, 603 (7th Cir. 2022) (public employees did not show that governments lacked a reasonably conceivable state of facts to support city and county vaccination policies during COVID-19); *Wilson v. Williams*, 961 F.3d 829, 840–41 (6th Cir. 2020) (prison officials responded reasonably to serious risks posed by COVID-19 by

implementing six-phase plan to mitigate risk of spread that included restrictions on visitation).

Setting to one side the visitation ban for the months at the height of the pandemic (March 2020 through January 2021), the defendants urge us to reject Dyjak's argument that *Easterling* provides clearly established authority that McFarland's visitation policies at other times (i.e., 2019 and 2021) could have violated Dyjak's constitutional rights. The defendants emphasize that McFarland's visitation policies in 2019 and 2021, unlike the policy at issue in *Easterling*, did not entirely prohibit visitation but merely imposed limitations. The distinction is well taken. When determining whether a right was clearly established, we must define the right "in terms granular enough to provide fair notice" to officials that their conduct was unconstitutional. *See Sabo*, 128 F.4th at 845 (internal quotation omitted). Nothing in *Easterling* suggests that these restrictions on the timing or scheduling of visits could violate Dyjak's First Amendment rights. *See* 880 F.3d at 321–23.

Dyjak continues to assert that the district court should have applied the more deferential standard of *Youngberg v. Romeo*, 457 U.S. 307, 323 (1982), because visitation is a crucial element of mental health treatment. But "[a] justified security policy is not ... viewed as a treatment program that must be supported by an exercise of professional judgment." *See Lane v. Williams*, 689 F.3d 879, 882–83 (7th Cir. 2012). Here, McFarland's visitation policies reflect decisions not to treat patients but to ensure the safety of others.

Relatedly, Dyjak argues that the district court should have applied an alternative test, set forth in *Procunier v. Martinez*, 416 U.S. 396, 409–12 (1974) (concerning the extent to which First Amendment protections apply to prisoners' outgoing mail), which suggests that prison rules affecting the rights of non-prisoners may be subject to more searching scrutiny than regulations affecting only prisoners. But as the district court properly recognized, Dyjak is a civil detainee, and civil detainees' First Amendment claims are best analyzed under *Turner's* rational-relationship test. *See Brown*, 801 F.3d at 853–54; *see also Thornburgh v. Abbott*, 490 U.S. 401, 404 (1989) (even where prison regulations affect the First Amendment rights of non-prisoners, the "proper inquiry" remains the standard, derived from *Turner*, that asks "whether the regulations are 'reasonably related to legitimate penological interests'").

Turning next to their First Amendment retaliation claim, Dyjak argues that the district court overlooked evidence that McFarland imposed its visitation policies after they filed grievances. But this sequence of events does not call into question the district

court's conclusion that Dyjak failed to present evidence of being targeted by officials specifically for engaging in protected activity. *See Bridges v. Gilbert*, 557 F.3d 541, 546 (7th Cir. 2009). Summary judgment on this claim was proper.

Lastly, Dyjak rehashes an argument rejected in their postjudgment motion. In that motion, Dyjak argued that the court should not have considered their claims solely as individual-capacity claims (which are subject to qualified immunity) rather than official-capacity claims seeking injunctive relief (which are not subject to qualified immunity). The district court rejected this argument, noting that it had permitted Dyjak to proceed only on claims for damages and that Dyjak never moved to amend the complaint to assert official-capacity claims for injunctive relief. Dyjak now contends that the district court overlooked the complaint's prayer for injunctive relief as evidence of an intent to sue the defendants in their official capacities. But "[i]n an individual capacity suit, a plaintiff may only seek monetary damages," *see Knowlton v. City of Wauwatosa*, 119 F.4th 507, 519 (7th Cir. 2024), and here, Dyjak expressly sued the defendants in their individual capacities. If Dyjak wanted to seek injunctive relief through an official capacity suit, "they could have (and should have) made that clear." *Id.*

AFFIRMED